

MINUTES
ZONING BOARD OF APPEALS
MAY 8, 2013 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Grady, Kravits, Manning, Russotto, Stebbins
Excused: Mencer
Staff: Davis, Gilot

Chairman Stebbins called the meeting to order at 7:00 p.m. The Chairman reviewed the public hearing procedures.

II. PUBLIC HEARING

1. ZBA#13-04 – 245 High Street, Mystic, Wayne F. Dailey and Leslie D. Sandin/Owners, for a variance to Section 5.2 to allow a front yard setback (north side of lot) of 22 feet in lieu of 30 feet for an 8' x 12' shed. PIN 261918321028, RS-12 zone.*

Secretary Manning read the call, and stated that the mailings were in order.

Wayne Dailey, 245 High Street, Mystic, presented his request for a variance to place a small garden shed, 8' x 12', at the rear of his property. The design was granted a Certificate of Appropriateness from the Historic District Commission. Mr. Dailey explained that due to the shape of the property, the shed would not fit anywhere else on the property. The lot is a narrow, pre-existing non-conforming corner lot with two front yards. The shed location would conform to the side yard setback, but not two front yard setbacks. The site plan and GIS map were reviewed.

The Chair asked for comments from the public and there were none.

Secretary Manning read the following items into the record:

- Letter dated 5/1/13 in support of the application from Mark Bancroft, 233 High Street.
- Planning Commission referral of no comment.

Staff told the Board that Mr. Dailey's lot pre-dated zoning.

The public hearing was closed at 7:15 p.m.

2. ZBA#13-03 – 743 River Road, Mystic, Ante and Klaudija Ljubicic/Owners, Richard Dixon/Applicant, for a variance to the minimum lot size requirements of section 5.2 to allow lot one to contain 45,070 square feet and lot two to contain 46,920 square feet, as opposed to the minimum 80,000 square feet per lot required in the RU-80 zoning district. PIN 261907591293 and PIN 261907594201, RU-80 zone. (CAM)

Secretary Manning read the call, and stated that the mailings were in order.

Attorney Richard Dixon, 15 Holmes Street, Mystic, represented the owners, Ante and Klaudija Ljubicic. Mr. Dixon presented the Board with photos of the existing

property, a survey plan, and several letters from neighbors in favor of the application. Attorney Dixon distributed a copy of the GIS map, and briefly discussed a previous application, #ZBA11-03, which was withdrawn.

The following items were entered into the record:

- 1.) A letter from Ledge Light Health District dated 4/20/13
- 2) A letter from Dieter & Gardner

Mr. Dixon stated that he is also a neighbor of the Ljubicics. The proposal is to take two lots, one of which is a small tract on the waterfront, and the other, across the street, which is rather large, and split the lot to create another building lot.

The applicants have offered easements to the Town. Mr. Dixon explained the site and the proposed split. Mr. Dixon discussed the zoning laws, with regard to certain unique situations, as this application presents.

Mr. Dixon detailed the history of the site, There was a zone change in that area of the town made in 1982 which doubled to size of lot requirements. There was concern at the time with the preservation of the road at the time, and to minimize impacts with regard to traffic, etc. and regulate further growth in that area, the zoning was changed. This property is the largest property in that area, and the only one not subdivided before the zone change. The owner at the time did not take any action prior to the zone change. The Ljubicics have two existing lots. The variance would bring their property more in unison with the surrounding properties. Easements were suggested by staff, and would be granted on the waterfront property, and a 75 foot easement on the back of the new proposed lot, which would limit any use of that property to a small house.

The Planning Commission referral was reviewed. The removal of ledge and blasting were discussed.

Mr. Dixon said the hardship is that there are two lots, but the applicant does not have the ability to make a reasonable use of the smaller lot; this would be a better use of property.

It was determined by the Board that the mailings were defective, as at least two of the 150 ft. buffered properties were not identified in the list provided to the applicant by the Town, and not noticed with certified mailings.

Staff, the Board and Attorney Dixon discussed regulations and statutes regarding notices, and it was decided that the hearing would be continued to the next meeting on May 22, 2013, to allow the applicants to make proper notice to those unnoticed property owners.

Attorney Dixon submitted a packet of additional letters to staff to be read into the record at the next meeting.

III. MEETING FOLLOWING PUBLIC HEARINGS

1. Decision on Public Hearing Applications

- a. ZBA#13-04 – 245 High Street, Mystic, Wayne F. Dailey and Leslie D. Sandin/Owners

MOTION: To grant the variance as requested.

Motion made by Russotto, seconded by Kravits. MOTION PASSED UNANIMOUSLY.

- b. ZBA#13-03 – 743 River Road, Mystic, Ante and Klaudija Ljubicic/Owners, Richard Dixon/Applicant

The public hearing was continued to May 22, 2013.

2. Correspondence

Staff distributed the Spring issue of the CFPZA newsletter.

3. Minutes – Meeting of April 10, 2013

MOTION: To approve the minutes of April 10, 2013 as presented.

Motion made by Russotto, seconded by Kravits. MOTION PASSED UNANIMOUSLY.

4. Old Business

- a) Regulation amendment to Section 8.5-8 B.1

Staff said the application was completed and the referrals sent, and the Zoning Commission will likely schedule a public hearing for July.

5. New Business

- a) New Applications - None

6. Report of Staff – None

The Board discussed renovations being done two properties in Mystic in the vicinity of New London Road in downtown Mystic. Board members did not recall seeing public notices for Historic District Commission hearings, and asked staff to follow up with Kevin Quinn.

IV. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Tom Manning
Zoning Board of Appeals
Prepared by Debra Gilot, Office Assistant III